

**SE-W375-99-00001,
Revision 1**

Safety Evaluation



Safety Evaluation

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Safety Evaluation Number¹: SE-W375-99-00001 Revision No: 1

ABCN Number: ABCN-W375-99-00020

Safety Evaluation Subject: Revision of the ECP Description Document

PART I: DESCRIPTION OF THE PROPOSED REVISION, BACKGROUND, AND SCHEDULE

1. Describe the proposed revision (including credible failure modes, if applicable).

A complete revision of "Employee Concerns Program Description and Instructions," BNFL-5193-ECP-01, Revision 0. This document was written for Part A and served as both the program plan and the procedural instructions. The administration of the program has changed for Part B and the procedural instructions have been placed in Project controlled documents (e.g. procedures or codes of practice). To facilitate these changes, Revision 1 was prepared and the name of the document has changed to "Employee Concerns Program Plan." The RU did not accept Revision 1 submitted in ABAR-W375-99-00001, so another revision of the ECP has been prepared in addition to a revised ABCN and ABAR.

In addition to the document title change, specific changes are summarized: (a) instructions for evaluation and categorization of a concern have been moved to the ECP Code of Practice; (b) detailed procedure steps for reporting a concern, receiving a concern report, investigating a concern, resolution of the concern, and reporting program status have been moved to the ECP Code of Practice; (c) a single Project ECP Officer position supported by Project ECP coordinator(s) has been created to replace the approach in which partner companies also assumed the responsibility for providing ECP staff in their home offices; (d) the Program plan document continues to establish the framework but the details of specific staff responsibilities have been moved to the ECP Code of Practice; (e) immediate action determination has been moved to the ECP Code of Practice; (f) instructions for reporting to outside agencies have been moved to ECP Code of Practice; (g) investigation guidelines have been moved to the Investigations Code of Practice; (i) forms have been moved to the ECP Code of Practice

There are no credible failure modes associated with the ECP or the proposed changes to the ECP. The ECP is an administrative program implemented to assure an anonymous or confidential program that project employees and subcontractors may use to raise safety concerns without fear of retaliation. As such the administration and implementation of the program have no impact on the radiological, process, or nuclear safety of the project.

2. Identify the affected Authorization Basis (AB) documents and perform a comparison and assessment of the revision against the AB.

The proposed change is a complete revision of the Employee Concerns Program Description and Instructions and therefore affects all sections of the AB document. The BNFL Inc. commitment to maintain an effective ECP is maintained in the proposed revision. The majority of the changes involves the relocation of procedural instructions from an AB document to project-controlled documents such as procedures or codes of practice. Attachment 1 is a comparison to the attributes described in RL/REG-96-03, "Guidance for the Review of TWRS Privatization Contractor Employee Concerns Management System." This comparison demonstrates that although many implementing details and other information are no longer part of the Authorization Basis, the proposed program continues to provide the key

¹ The Safety Evaluation Number shall be obtained from Project Document Control.



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elements attributed to an effective program in a manner consistent with the original program. Those attributes that were not provided in the original revision have not been added to the Authorization Basis document submitted for RU approval. Attachment 2 is a comparison of basic attributes of an effective ECP (as described in DOE O 5480.29 and supplemented by additional regulatory commitments) to the proposed Program Plan. The comparison demonstrates that the proposed revision continues to satisfy the contractual requirements in addition to providing an alternate method by which project staff members can raise concerns related to health and safety issues.

3. List the references used for the safety evaluation.

RL/REG-96-03, Rev 0, DOE Order 442.1, DOE G 442.1, DOE 5480.29, DOE/RL-96-0006, the BNFL Contract with the DOE, the SRD, and the ISMP

4. Describe the planned revision implementation schedule.

A. Relocation of procedural instructions: Within 30 days following RU acceptance of ABAR. Upon RU approval of the proposed ECP revision, the instructions will be removed from the AB. At this time the instructions are also included in codes of practice.

B. Identification of Part B ECP staff: The Part B ECP officer and coordinator have been identified to the staff. Their names and phone numbers have been posted in project buildings. This information is not available in revision 0 of the ECP.

C. An ECP was implemented in Part A and remains in effect. The parts of the program that represent changes from the program implemented in Part A involve the identification of ECP staff that is project specific and on site, rather than home office based coordinators for the different partners. The changes implemented are improvements and enhancements and were not regarded by BNFL Inc. as reductions in commitment that required RU approval prior to implementation.

In summary, all aspects of the revised ECP will be implemented within 30 days following RU approval of the ABAR.

PART II: REGULATORY IMPACT OF PROPOSED AB REVISION

The following questions are to be answered as part of the safety evaluation, to determine if the proposed AB revision (and the proposed initiating change if applicable) requires prior RU approval.

- | | | |
|---|--------------------------|-------------------------------------|
| | YES | NO |
| 1. Does the revision involve the deletion or modification of a standard previously identified or established in the approved SRD? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

JUSTIFICATION:

The SRD does not address employee concerns issues and nothing in the ECP impacts the content of the SRD



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2. Does the revision result in a reduction in commitment currently described in the AB? YES NO

JUSTIFICATION:

Specific details of steps that are followed in the implementation of the Program have been moved from the ECP Description document (an Authorization Basis document) to project controlled Codes of Practice. The Regulatory Unit review of the original authorization document may have considered the level of detail related to the programmatic issues as a factor in the approval of the document. Based on this, the proposed change could result in a reduction in commitment as currently described in the Authorization Basis

3. Does the revision result in a reduction in the effectiveness of any program, procedure, or plan described in the AB? NO

JUSTIFICATION:

The changes made to the ECP do not reduce the effectiveness of the program. The process described in the Program is a viable and robust method in which BNFL will maintain an effective and efficient ECP. The program retains the required level of effectiveness following the changes discussed because it maintains the essential elements that are required in the ECP. The changes in the ECP will not adversely affect how the RPP-WTP Facility will be designed, constructed, operated, maintained, and deactivated. These activities will continue to be conducted in a manner that reasonably assures the protection of the health and safety of the public, workers, co-located workers, and of the environment; compliant with laws, regulations, and contract requirements

Note: Guidance on defining the terms and responding to the above questions is provided in K70C528, Code of Practice for Managing Changes to the Authorization Basis, Appendix 6.

If all the answers to the above questions are no, then the change can be made without prior RU approval.

If any of the above answers is yes, then RU approval is required prior to implementation of the AB revision (and the initiating change if applicable). An ABAR shall be prepared to obtain RU approval (see K70C528, Appendix 7.)

PART III: SAFETY EVALUATION CONCLUSION

- All PART II questions are answered No. Therefore, RU approval is NOT required prior to implementing the proposed AB revision (and initiating change where applicable).
- At least one PART II question is answered Yes. Therefore, RU approval IS required prior to implementing the proposed AB revision (and initiating change where applicable). Issuance of an ABAR is required to obtain RU approval.



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M. Eader
Evaluator/Originator

H. M. D.
Reviewer

D. W. Edwards
Manager, Safety and Regulatory Programs

12 Jan 00
Date

1/12/00
Date

1/15/00
Date

² The reviewer should be a person from the same department as the Evaluator/Originator and at least as qualified as the Evaluator/Originator to conduct safety evaluations.

ASSESSMENT OF REVISION
RL/REG-96-03

RL/REG-96-03		ECP LOCATION		COMMENT ► Commitment to ECP
Key Element 1 – Commitment to DOE Policy on Employee Concerns	NO.	ATTRIBUTE	PART A	
	6.1.4.1	Communicate commitment to management of ECP	1.0, 'Introduction' and 2.0, 'Policy'	1.0, 'Introduction' and 2.0, 'Policy,' 1 st paragraph In addition to stating commitment, the revised ECP includes definition of "concern." However, neither the Part A nor the proposed Part B program include the commitment to adopt or to exceed the provisions of DOE policy.
	6.1.4.2	Prohibit reprisals	2.0, 'Policy,' 3rd paragraph	2.0, 'Policy,' 2nd paragraph Strong statement prohibiting reprisals in both documents. The revised version has added the reference to 10 CFR 708 to clarify the applicability of that statute. There were editorial changes that did not impact the prohibition of reprisals or retributions.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON
NO.	ATTRIBUTE	PART A	PART B		
6.1.4.3	Responsiveness per 5480.29	Entire document	Entire document	The review guidance calls for the submittal to provide mechanisms consistent with the DOE Order. The program establishes that the mechanisms such as reporting, resolution, confidentiality are required. The details of the implementation are addressed in project controlled documents rather than in the AB document	Revision requires program, however the implementing instructions have been moved from an Authorization Basis document into project controlled documents. With this relocation, BNFL can change the method of implementation without prior RU approvals as long as the implementing document continues to satisfy the requirement in place in the Program (the AB document). Allowing BNFL control of the mechanisms used to implement an effective ECP does not reduce the commitment to the program.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON
NO.	ATTRIBUTE	PART A	PART B		
6.1.4.4	Communicate DOE support of BNFL ECP	1.0, "Introduction" 3 rd and 4 th paragraphs 3.0, "Description" 1 st paragraph	1.0, "Introduction," 3 rd paragraph 2.0 "Policy," 1 st paragraph	Both versions encourage resolution through normal procedures, but note that BNFL ECP and other agencies are available if needed. Implementing documents contain the names and phone numbers that employees may want to contact.	The Program continues to recommend use of normal process and states that other avenues are available. Removal of the list of specific agencies and phone numbers from the AB document does not decrease the ability of the employees to contact other agencies. The Program plan directs the employees to project controlled documents for the detailed information they may need.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON ► Officer responsible for ECP
NO.	ATTRIBUTE	PART A	PART B		
6.2.4.1	Designate responsible individuals	Appendix E designated Lols Bender in Virginia as the Officer and listed E. Akre as the BNFL coordinator. It lists locations for Part B Coordinators for partners.	4.0, "Structure" and 5.0, Responsibilities address the activities, qualifications, and responsibilities of the Officer and Coordinator	<p>The names and addresses of the officer and coordinator are not included in the ECP. This allows management to assign qualified individuals without having to change an authorization basis document. The proposed revision also changes the organizational structure that would have off-site coordinators at partner out of state offices.</p>	<p>The names contained in Revision 0 were no longer applicable. The current Officer and Coordinator are identified on bulletin boards and during Employee Orientation.</p> <p>Allowing BNFL management the ability to change the responsible individuals or the implementing structure without prior RU approval does not diminish the commitment to or the effectiveness of the ECP.</p> <p>Moving these details to project implementing documents allows BNFL management to make these changes (provided they do not meet the criteria in RL/REG-97-13) without prior RU approval. Even though the names of the individuals are no longer contained in the AB document and can be changed without RU approval, the Program will continue to have responsible individuals designated.</p>

RL/REG-96-03 ECP LOCATION				COMMENT	COMPARISON
NO.	ATTRIBUTE	PART A	PART B	Employee notified by training, hotline available	
6.3.4.1	Effective communication methods	3.2, EPC Officer is responsible for ensuring that employees are informed about ECP policy and procedures	5.1, EPC Staff is responsible for assuring that project staff is informed about program.	Revision 0 did not describe information posters. This was not added to proposed revision.	Posters were never described in the AB document. The requirement to ensure that employees are informed of the ECP remains in the proposed revision. The responsibility to ensure the success of the program remains with the Officer.
6.3.4.2	24 hour secure hotline	Entire document reinforces maintaining confidentiality and noted that a 'HOTLINE' would be available in "Phase 1B"	Entire document	Requirements to maintain confidentiality are discussed in revision 0 and the proposed revision. Neither version describes the provisions for secure hotline	Proposed revision requires confidentiality. The proposed revision includes the provision that employee may use the telephone to raise concerns. The specifics of how to establish the phone system do not need to be included in the AB document in order to assure the RU that the secure hotline will be available. Officer is responsible for maintaining confidentiality.

RL/REG-96-03 Key Element 4 – Operation of an Employee Concerns Management System	ECP LOCATION		COMMENT ► Officer responsible for operation of program	COMPARISON	
	NO.	ATTRIBUTE	PART A	PART B	
6.4.4.1 Prompt contact to confirm understanding		3.1.1 established a 5 working day acknowledgement of receipt of concern 3.1.2 established a 15-day status report requirement and a 30-day resolution time, if possible.	4.3 requires investigation and resolution in a timely manner. 5.1 established ECP staff with the responsibility for the timely resolution. The time frame 'prompt' is not defined in the ECP Plan, although some guidance is provided.	Revision 0 set time limits for actions. The proposed revision only requires prompt action without specifying the time frame. Prompt may be different, based on the different cases. The responsibility for determining a time frame that is acceptable is assigned to BNFL project management. Recommended times for acknowledging the concern and resolution of the concern are included.	The review guidance and the proposed revision require prompt response to employee concerns. The specific response times have been moved to implementing documents. The ECP provides guidance on time frames. This will allow BNFL to make changes in these times without prior RU approval, provided that the changes do not reduce the effectiveness of the program (or meet other criteria in RL/REG-97-13). If response time limits remain in the AB document, a BNFL prompt response in excess of the specified times would subject BNFL to enforcement action even if the ECP had functioned appropriately.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON
NO.	ATTRIBUTE	PART A	PART B		
6.4.4.2	Tracking system	3.2 established record keeping as a responsibility of the ECP officer	4.4 and 5.1 establish that reports are required and that the ECP Officer is responsible.	Revision 0 and the proposed revision do not include the specific parameters that are to be tracked for reporting.	As revised, the ECP continues to require reports.

RL/REG-96-03		ECP LOCATION		COMMENT
NO.	ATTRIBUTE	PART A	PART B	
6.4.4.4	Provisions for privacy and confidentiality	3.2, ECP Officer is charged with maintaining confidentiality and protecting records.	2.0, "Policy mandates confidentiality and anonymity as part of the program. 5.0, assign the responsibility to the ECP Officer	Revision 0 specified that confidentiality should be maintained. The specific steps to be taken were not included. The proposed revision also directs that the ECP Officer maintain confidentiality and that the ECP Officer is responsible for the success of the program. Again, the details required to meet that responsibility are not included in the proposed revision.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON
NO.	ATTRIBUTE	PART A	PART B		
6.4.4.5	Response times for concerns	3.1.2 specified that if possible concerns should be resolved in 30 days.	2.0 'Policy' states the clear commitment to resolve concerns promptly. The time frame 'prompt' is not defined in the ECP Plan, although some guidance is provided.	In Revision 0, specific steps to be taken, with the required time frame for completion, were included in the document. The specific procedural steps and their completion times have been moved to implementing documents.	The review guidance and the proposed revision require prompt response to employee concerns. The specific response times have been moved to implementing documents. The ECP provides guidance on time frames. This will allow BNFL to make changes in these times without prior RU approval, provided that the changes do not reduce the effectiveness of the program (or meet other criteria in RL/REG-97-13). If response time limits remain in the AB document, a BNFL prompt response in excess of the specified times would subject BNFL to enforcement action even if the ECP had functioned appropriately.
6.4.4.6	Periodic reports to management	3.2 quarterly reporting to management and DOE is the responsibility of the ECP Officer	4.4 requires the ECP Officer to make quarterly report to management and DOE.	Quarterly report requirement maintained.	

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON ► ECP requires identification of imminent danger
Key Element 5 – Identification of Significant Issues	NO.	ATTRIBUTE	PART A		
		PART B			
6.5.4.1	Criteria for significance and priority	3.1 described 3 categories, requiring immediate action for those that presented an immediate threat.	4.3 requires that concerns are categorized and that those of imminent danger be evaluated and receive highest priority. 4.0 requires that recipients of concerns evaluate the concerns to ensure that potential threats are handled expeditiously	The criteria presented in both revisions are those concerns of immediate or imminent danger are dealt with immediately.	Proposed revision continues to require that conditions of immediate or imminent danger are dealt with immediately.
6.5.4.2	Criteria for referral to other agencies		2.0, 'Policy' addresses the scope of the program, e.g. what areas are applicable to the ECP	No change between the revisions relative to this attribute	Proposed revision maintains the direction that other agencies may need to be contacted.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON ► ECP requires identification of imminent danger
Key Element 5 – Identification of Significant Issues	NO.	ATTRIBUTE	PART A		
		PART B			
6.5.4.1	Criteria for significance and priority	3.1 described 3 categories, requiring immediate action for those that presented an immediate threat.	4.3 requires that concerns are categorized and that those of imminent danger be evaluated and receive highest priority. 4.0 requires that recipients of concerns evaluate the concerns to ensure that potential threats are handled expeditiously	The criteria presented in both revisions are those concerns of immediate or imminent danger are dealt with immediately.	Proposed revision continues to require that conditions of immediate or imminent danger are dealt with immediately.
6.5.4.2	Criteria for referral to other agencies		2.0, 'Policy' addresses the scope of the program, e.g. what areas are applicable to the ECP	No change between the revisions relative to this attribute	Proposed revision maintains the direction that other agencies may need to be contacted.

RL/REG-96-03		ECP LOCATION		COMMENT	COMPARISON
NO.	ATTRIBUTE	PART A	PART B		
6.5.4.3	Monitor for trends	3.2 listed quarterly reporting to management and DOE as the responsibility of the ECP Officer	4.4 requires the ECP Officer to make quarterly report to management and DOE.	Proposed revision maintains the requirement for quarterly reports.	

ASSESSMENT OF REVISION

Attribute	Source	How Met	Comment
Submit Employee Concerns Management System (ECMS) Deliverable	Contract Table S4-1, reference DOE O 5480.29	BNFL-5193-ECP-01, Employee Concerns Program (ECP) Description and Instructions, was submitted in Part A	Project management changes necessitated program revision
Create a framework for promptly identifying, reporting, and resolving employee concerns related to environmental, safety, or health (ES&H) conditions	DOE O 5480.29, Purpose	Proposed revision, Section 1.0	
Allow independent avenue for anonymous and confidential reporting and evaluation of employee ES&H concerns	DOE O 5480.29, Purpose	Proposed revision, Section 2.0	
ECMS should complement existing reporting pathways	DOE O 5480.29, Policy	Proposed revision, Section 1.0	
Reported concerns are managed in a manner that assures prompt identification, prioritization, evaluation, corrective and protective response, and resolution.	DOE O 5480.29, Policy	Proposed revision, Section 4.3 and 5.1	
Discrimination against employees for engaging in protected activities is prohibited	29 CFR 24	Proposed revision, Section 2.0	
All acts of reprisal are subject to the provisions of 10 CFR 708	Contract and 10 CFR 708 Commitment 99-CMS-006	Proposed revision, Section 2.0	
ECP training will be mandatory for all BNFL Inc., TWRS-Privatization Project positions	Commitment 99-CMS-007	Proposed revision, Section 5.1 references implementing documents	
Qualification standards for the ECP officer, coordinator, and staff will be incorporated in BNFL Inc., TWRS-Privatization project documents	Commitment 99-CMS-010	Proposed revision, Section 2.0	
Senior BNFL project management will encourage and endorse the ECP during ECP training			